

NOT TO BE INCLUDED
IN BOUND VOLUMES

PGB
Detroit, MI

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALLSECURITY SERVICES, INC. /
TOTAL ARMORED CAR SERVICE, INC.
Employer

and

Case 07-RC-074834

INTERNATIONAL UNION, SECURITY,
POLICE AND FIRE PROFESSIONALS OF AMERICA (SPFPA)
Petitioner

DECISION AND DIRECTION

The National Labor Relations Board, by a three-member panel, has considered objections and determinative challenges to ballots cast in an election held April 6, 2012 and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 30 for and 31 against the Petitioner, with 8 challenged ballots,¹ a sufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and brief, has adopted the hearing officer's findings² and recommendations,³ and directs as follows:

¹ Prior to the hearing, the parties stipulated that two of the challenged ballots had been cast by ineligible voters, leaving a total of six challenges at the time of the hearing.

² The Petitioner has implicitly excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We have carefully examined the record and find no basis for reversing the findings.

³ In the absence of exceptions, we adopt pro forma the hearing officer's recommendations to sustain the challenges to the ballots of William Riley, Edward Donaldson, and Salina Gray; overrule the challenges to the ballots of Ryan McLain and Walter Dudzinski; and overrule

IT IS DIRECTED that the Regional Director for Region 7 shall, within 14 days from the date of this Decision and Direction, open and count the ballots of Ryan McLain, Walter Dudzinski, and James Sherlock. The Regional Director shall then serve on the parties a revised tally of ballots and issue the appropriate certification.

Dated, Washington, D.C., September 26, 2012.

Mark Gaston Pearce, Chairman

Richard F. Griffin, Jr., Member

Sharon Block, Member

NATIONAL LABOR RELATIONS BOARD

Petitioner's Objections 1, 2, 4, and 8. We approve the Petitioner's withdrawal of its Objections 3 and 5.

In recommending that Petitioner's Objections 6 and 7 be overruled, the hearing officer found, inter alia, that the omission of employees Salina Gray, William Riley, and Edward Donaldson from the *Excelsior* list did not warrant setting aside the election because they were not eligible voters. We adopt this finding, and note that the Petitioner does not contend these employees were eligible to vote in the election. Although the hearing officer did not address the omission of employee Diablo Davis from the *Excelsior* list, Davis, like Riley, was employed as a coin processor, and the Petitioner took the position at the hearing that Davis's unit status was identical to Riley's. Thus, Davis's omission from the *Excelsior* list likewise does not require that the election be set aside. In light of the above, we do not pass on the hearing officer's discussion of whether the omission of these names would have been objectionable had they been eligible voters. We additionally do not rely on any implication in the hearing officer's report that *Excelsior* list inaccuracies that a union fails to report to an employer prior to an election might not be considered in the determination of whether to set aside the election.